

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

LARRY L. CARRUTH

PLAINTIFF

V.

CIVIL ACTION NO.: 3:14-CV-507 WHB-RHW

JVT ADVISORS

MORPHOTRUST USA, INC.

ALBERT EARL SANTA CRUZ, IN HIS INDIVIDUAL CAPACITY

DEFENDANT

**FIRST AMENDED COMPLAINT
JURY TRIAL DEMANDED**

COMES NOW, the Plaintiff, Larry L. Carruth, by and through his counsel, Watson & Norris, PLLC, and files this his First Amended Complaint against the Defendants, JVT Advisors, Morphotrust USA, Inc., and Albert Earl Santa Cruz in his individual capacity to recover damages for violation of his rights under state and federal law. In support of this cause, Plaintiff would show unto the Court the following facts, to-wit:

PARTIES

1. The Plaintiff, Larry L. Carruth, is an adult male resident of Rankin County, Mississippi, residing at 135 Woodlands Glen Circle, Brandon, Mississippi 39047.

2. Defendant, JVT Advisors, is a Massachusetts Corporation, licensed to do business in the State of Mississippi and may be served through its registered agent, John Dunlevy, 35 New England Business Center, Andover, MA 01810.

3. Defendant, Morphotrust USA, Inc. is a Delaware corporation licensed to do business in the State of Mississippi and may be served through its registered agent: Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201-5301.

4. Defendant, Albert Earl Santa Cruz, Commissioner of the Mississippi Department of Public Safety, may be served at 1900 West Woodrow Wilson Avenue, Jackson, Mississippi 39205.

JURISDICTION AND VENUE

5. This court has jurisdiction as Plaintiff has brought claims pursuant to Federal law.

6. This court has venue for the claims asserted.

STATEMENT OF FACTS

7. Plaintiff's wife, Amy Carruth, previously worked as the Administrative Director of Support Services with the Mississippi State Highway Patrol Department, under Governor Haley Barbour's administration. When Governor Phil Bryant took office, Mrs. Carruth was released from her duties.

8. On September 15, 2013, Plaintiff was contracted through Bryan Tabordda of JVT Advisors and hired by the Defendant, Morphotrust USA, Inc. as a business analyst on a \$51 million Mississippi project with Morphotrust USA, Inc. which was funded by the Mississippi State Highway Patrol.

9. Upon hire, Plaintiff disclosed to Mary Roberts with Morphotrust that his wife was the former Director of Support Services for the Mississippi State Highway Patrol. Ms. Roberts assured Plaintiff that this would not affect his employment with Morphotrust and that he was invaluable to the project.

10. On November 11, 2012, Morphotrust had a kick off meeting in Jackson, MS. with employees of the Mississippi State Highway Patrol. Commissioner Santa Cruz and Gail Mills were not at the meeting. All of the attendees knew Plaintiff and his wife

very well. Plaintiff was introduced at the meeting as the person who would be gathering required information on the project.

11. From the date of this meeting through Christmas holidays, Plaintiff was doing his job while at several locations of the Mississippi State Highway Patrol ("MSHP").

12. On one occasion while Plaintiff was at the MSHP's Biloxi location, Plaintiff was outside interviewing a civilian for a Morphotrust survey on behalf of the Mississippi Highway Patrol when a state trooper came out the door yelling at the civilian. Afterwards, Plaintiff went over to the trooper and introduced himself as doing a survey for Morphotrust. The trooper was Mike Santa Cruz, the son of Commissioner Santa Cruz.

13. On February 5, 2013, Mary Roberts with Morphotrust was told by Ken Magee with the Mississippi Highway Patrol that Plaintiff was off the Mississippi project and was not welcome on DPS/MHP property. Ms. Roberts was also told that per Commissioner Santa Cruz, Plaintiff was a "security threat" and had a "conflict of interest." Plaintiff assumed that it was because his wife had worked for the Mississippi Highway Patrol under a different commissioner and had certain knowledge about the Patrol office. Commissioner Santa Cruz said that there was no way, even over his dead body that Plaintiff would be on the project.

14. At that time, Ms. Roberts told Plaintiff to keep doing what he was doing and keep his head down. Ms. Roberts told Plaintiff that she was working on finding Plaintiff a spot within the company and that he would still have a job. Ms. Roberts also told Plaintiff to have limited conversation with his wife about anything that had happened

in regard to what the Highway Patrol had mandated. Plaintiff was officially off the Mississippi project and was told if anyone asked him, he was to tell them that he was now on the product side. Ms. Roberts also told Plaintiff that more than likely Morphotrust's contract with JVT would have to be broken, and that way Plaintiff could be made a permanent employee of Morphotrust.

15. Also on February 5, 2013, Mary Roberts told Plaintiff that Bob Eckell, president of Morphotrust said that if it came to a choice of giving up the Mississippi Highway Patrol project or letting Plaintiff go, Plaintiff would have to go.

16. Approximately mid-June, Mary Roberts instructed Plaintiff to contact Bob Crowley in Human Resources for Morphotrust about making Plaintiff a permanent employee of the company. Plaintiff did so but did not receive any feedback. Instead, Plaintiff was terminated on June 28, 2013.

CAUSES OF ACTION

COUNT ONE: FIRST & FOURTEENTH AMENDMENT VIOLATION EQUAL PROTECTION (Political Affiliation) THROUGH 42 U.S.C. § 1983

17. Plaintiff incorporates by reference all prior allegations of the Complaint into this Count.

18. Plaintiff was denied permanent employee status and eventually terminated because of Defendant Cruz's actions.

COUNT TWO: CONSPIRACY

19. Defendants conspired to terminate Plaintiff's employment because of his wife's political affiliation.

20. Such actions of are actionable under First & 14th Amendment to the Constitution, Section 42 U.S.C. §§ 1985 and 1986.

**COUNT THREE: TORTUOUS INTERFERENCE WITH BUSINESS
AND/OR CONTRACTUAL RELATIONS**

21. Plaintiff incorporates the above paragraphs 1 through 20 as though specifically set forth herein and alleges as follows:

22. Defendant, Santa Cruz's actions constitute tortious interference with contractual and/or business relation in violation of the laws of the State of Mississippi. Defendant, Santa Cruz, has tortiously interfered with Plaintiff's employment relationship with Defendant JVT and Morphotrust USA, Inc., resulting in the termination of that employment relationship.

23. Plaintiff has suffered an adverse employment action which has resulted in significant damages to Plaintiff, as a result of Defendant's intentional interference.

24. Plaintiff has been harmed as a result of the Defendant's interference, and Defendants are liable to Plaintiff for the same.

WHEREFORE PREMISES CONSIDERED, Plaintiff respectfully prays that upon hearing of this matter by a jury, the Plaintiff be granted the following relief in an amount to be determined by the jury:

1. Reinstatement or future wages in lieu of reinstatement;
2. Back pay;
3. Compensatory damages;
4. Punitive damages;
5. Attorney's fees;
6. Costs and expenses; and
7. Any other relief to which he may be properly entitled.

THIS, the 8th day of September 2014.

Respectfully submitted,

s/Nick Norris

NICK NORRIS (MB#101574)

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